

Waikato Regional Council: Plan Change 1 Final Decision

The final Decision was issued by the Environment Court on 8 June 2026. Waikato Regional Council (WRC) has until 20 July 2026 to amend the Plan provisions in line with the Court's direction, it is at this point we will see the final version of the Plan.

Waikato Regional Council were developing PC1 between 2012-2016 as a whole plan change to the Waikato Regional Plan. PC1 was required to achieve the overarching purpose of the Waikato River Settlement legislation and give effect to Te Ture Whaimana o te Awa o Waikato (Te Ture Whaimana). This makes the legal context of PC1 very different as there is Treaty of Waitangi legislation that applies to any decision as well as the Resource Management Act.

Orcharding including kiwifruit

While there are some conditions (including registering farms, and completing an FEP), Orchardng is a Permitted Activity. In the Whangamarino Wetland catchment, orchards up to 20ha are permitted, with 20ha+ orchards in this catchment having either a Restricted Discretionary, or Discretionary activity pathway.

Commercial vegetable production

PC1 uses Overseer as a proxy for risk. HortNZ produced strong evidence that Overseer is not an appropriate proxy for risk in CVP, and the Court has agreed and recognised that Overseer is inappropriate for use in this way for the majority of CVP. The Court has directed the use of Farm Environment Plans and to have a Nitrogen Risk Scorecard (NRS) to assist in understanding, assessing, and managing diffuse discharges, subject to:¹

- The NRS being approved through Council;
- templates are prepared and certified by two suitably qualified experts with sector knowledge and HortNZ;
- that each template is independently audited by a qualified and experienced nutrient loss modeler who is approved by the CE of WRC, including objective assessment of the extent to which the NRS method provides a “reasonable approximation” of the extent by which nitrogen losses reduce; and
- the final determination/approval must be made by the CE of WRC.

There has also been strong direction from the Court for Waikato Regional Council to work closely with industry, to support the development of the NRS.

¹ [240], [241].

Issues

There is a significant outstanding issue with the decision when it comes to the definition of 'new' and 'existing' CVP activities. This is because the Plan has a specified baseline period of 2006 – 2016. Existing CVP is land that was used for CVP between 1 July 2006 and 30 June 2016, and is limited to the maximum total area used in any year during the baseline period; and the maximum area used per sub-catchment for any full year. The baseline year used to calculate the maximum total area does not have to match the year used to calculate the maximum area in a particular sub-catchment. Any extra land that has been added to an operation (above either of those maximums) is considered to be new/expansion, which is either a discretionary or non-complying activity.

HortNZ will continue to work with Waikato Regional Council on the aspects the Court have directed and will work with growers as we move towards implementation.

Next Steps: The final amended version of the plan will be available 21 July 2026.

There needs to be a Council decision on when to make the Plan operative. HortNZ will let growers know as soon as we are aware of when this will be.

HortNZ understands that there has been at least one appeal to the plan, and that the plan indicates that it will not become operative until all appeals are resolved. We will keep you informed on the impacts of appeals on the Plan Change process.

HortNZ is working closely with PG's and other stakeholders to understand the implications of this decision, and what next steps look like.